



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO.                                                                        | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.        | CONFIRMATION NO. |
|----------------------------------------------------------------------------------------|-------------|----------------------|----------------------------|------------------|
| 10/763,879                                                                             | 01/23/2004  | Donald L. Payne      | Paync                      | 6007             |
| 7590<br>Joseph H. Beumer<br>Suite 1602 D<br>555 Sparkman Drive<br>Huntsville, AL 35816 |             |                      | EXAMINER<br>TRAN, HANH VAN |                  |
|                                                                                        |             |                      | ART UNIT<br>3637           | PAPER NUMBER     |
| SHORTENED STATUTORY PERIOD OF RESPONSE                                                 |             | MAIL DATE            | DELIVERY MODE              |                  |
| 3 MONTHS                                                                               |             | 01/23/2007           | PAPER                      |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/763,879             | PAYNE               |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Hanh V. Tran           | 3637                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 16-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### DETAILED ACTION

1. This Non-Final Office action is in response to applicant's amendment dated 11/01/2006.

#### ***Allowable Subject Matter***

2. The indicated allowability of claims 11, 14-15 in the Office action mailed 5/2/2006 is withdrawn in view of the newly discovered reference(s) to USP 2,233,412 to Hill. Rejections based on the newly cited reference(s) follow. Any inconvenience is regretted.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by USP 2,233,412 to Hill.

Hill discloses a decorative cabinet frame assembly comprising all the elements recited in the above listed claims including a generally rectangular frame including an upper frame member 2, a lower frame member 2, a pair of opposing side members 1 and an open space defined between said upper frame member, said lower frame member and said pair of opposing side members, said opposing side members each having a narrow slot *d'* in an inner edge thereof and one of said upper and lower frame members having a slot *d'* extending between an inner edge and an outer edge thereof,

Art Unit: 3637

with a groove, such as shown in Fig 5, along said outer edge communicating in parallel relation with said slot **d'**, and the other of said upper frame member and said lower frame member having a recess **d'** along an inner side thereof, and opposed notches at lower outer regions of said recess, said slot, each said narrow slot and an inner surface of said recess all being coplanar; a decorative changeable, flexible, fabric sheet panel **5** slightly wider than said open space and having a first tubular loop contiguous with and formed at one end of said fabric sheet panel and a second tubular loop contiguous with and formed at the other end of said fabric sheet panel (page 2, lines 14-21), said first tubular loop and said second tubular loop extending an entire width of said fabric sheet panel, one of said first tubular loop and said second tubular loop removably extending straight through said slot and resides in said groove in said one of said upper frame member and said lower frame member (such as shown in Fig 5), said flexible sheet panel **5** also extending straight into said recess, said recess being generally of a width of said fabric sheet panel, said fabric sheet panel further extending unsupported along each side into each said narrow slot of each of said opposed side members, a first dowel pin **12** inserted through the loop that extends through said slot, said first dowel pin **12** positioned in said groove, thereby securing said fabric sheet panel in place in said one of said upper frame member and said lower frame member, a second dowel pin **12** slightly longer than the other of said first loop and said second loop and inserted through the other of said first loop and said second loop, with ends of said second dowel pin **12** engaging said opposed notches of said recess, thereby securing said fabric sheet panel in said recess and tensioning said fabric sheet panel between said

Art Unit: 3637

upper frame member and said lower frame member, wherein said flexible sheet panel is supported and stretched between said outer edge of said one of said upper frame member and said lower frame member and an opposed said one of said upper frame member and said lower frame member.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over USP 2,233,412 to Hill in view of USP 4,127,156 to Brandt.

Hill discloses a decorative cabinet frame assembly comprising all the elements recited in the above listed claims including a generally rectangular frame including an upper frame member 2, a lower frame member 2, a pair of opposing side members 1 and an open space defined between said upper frame member, said lower frame member and said pair of opposing side members, said opposing side members each

Art Unit: 3637

having a narrow slot **d'** in an inner edge thereof and one of said upper and lower frame members having a slot **d'** extending between an inner edge and an outer edge thereof, with a groove, such as shown in Fig 5, along said outer edge communicating in parallel relation with said slot **d'**, and the other of said upper frame member and said lower frame member having a recess **d'** along an inner side thereof, and opposed notches at lower outer regions of said recess, said slot, each said narrow slot and an inner surface of said recess all being coplanar; a decorative changeable, flexible, fabric sheet panel **5** slightly wider than said open space and having a first tubular loop contiguous with and formed at one end of said fabric sheet panel and a second tubular loop contiguous with and formed at the other end of said fabric sheet panel (page 2, lines 14-21), said first tubular loop and said second tubular loop extending an entire width of said fabric sheet panel, one of said first tubular loop and said second tubular loop removably extending straight through said slot and resides in said groove in said one of said upper frame member and said lower frame member (such as shown in Fig 5), said flexible sheet panel **5** also extending straight into said recess, said recess being generally of a width of said fabric sheet panel, said fabric sheet panel further extending unsupported along each side into each said narrow slot of each of said opposed side members, a first dowel pin **12** inserted through the loop that extends through said slot, said first dowel pin **12** positioned in said groove, thereby securing said fabric sheet panel in place in said one of said upper frame member and said lower frame member, a second dowel pin **12** slightly longer than the other of said first loop and said second loop and inserted through the other of said first loop and said second loop, with ends of said second

Art Unit: 3637

dowel pin **12** engaging said opposed notches of said recess, thereby securing said fabric sheet panel in said recess and tensioning said fabric sheet panel between said upper frame member and said lower frame member, wherein said flexible sheet panel is supported and stretched between said outer edge of said one of said upper frame member and said lower frame member and an opposed said one of said upper frame member and said lower frame member. The only different being that Hill does not disclose the door assembly made of wood.

Brandt shows that it is well known in the art to have a decorative cabinet door assembly made of wood, since wood is a well known and commercially available product for making a door assembly. Therefore, it would have been obvious to modify the structure of Hill, in view of Brandt, by having the door assembly made of wood, which is a well known and commercially available product for making a door assembly, since both teach alternate conventional door assembly structure, used for the same intended purpose, thereby providing structure as claimed.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McGregor et al, Greene, Jr. et al, Hudoba, Griesemer et al, Machler, Coleman, Prevette, and Rembaum all show structures similar to various elements of applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571) 272-

Art Unit: 3637

6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HVT *HVT*  
January 22, 2007

LANNA MAI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

*Lanna Mai*